

REMARKS

Claims 1-2 and 6-9 are pending. No amendments are made herein.

Claims 1, 2, 6, and 7 are rejected under 36 U.S.C. 103(a) as being unpatentable over Inatomi et al. (WO 03/042267; U.S. Patent No. 7,241,833 used herein as the equivalent thereto). (Office Action p. 2)

Attached is a verified translation of one of the application's priority documents, JP 2002-367487 (JP'487), having a priority date of December 19, 2002.

Claim 1 is supported in JP'487 at claims 1-3 (p.3); [0022];

Claim 2 is supported in JP'487 at [0016];

Claim 6 is supported in JP'487 at claim 3 (p.3); [0017] to [0021]; and

Claim 7 is supported in JP'487 at [0014].

The effective date of Inatomi et al. as a reference is the publication date of May 22, 2003. The enclosed verified translation priority application effective date is December 19, 2002.

JP'487 antedates Inatomi as a reference, thereby rendering this rejection moot.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inatomi et al. (WO 03/042267; U.S. Patent No. 7,241,833 used herein as the equivalent thereto) and further in view of Helbing (WO 99/60043). (Office Action, p. 3)

Attached is a verified translation of one of the application's priority documents, JP 2002-367487 (JP'487), as explained above.

Claim 8 is supported in JP'487 at [0017] to [0021].

The effective date of Inatomi et al. as a reference is the publication date of May 22, 2003. The enclosed verified translation priority application effective date is December 19, 2002.

JP'487 antedates the primary reference Inatomi as a reference, thereby rendering the combination of Inatomi and Helbing moot.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inatomi et al. (WO 03/042267; U.S. Patent No. 7,241,833 used herein as the equivalent thereto) as applied to claim 1 above, and further in view of Saito et al. (U.S. Publication No. 2002/0091224). (Office Action, p. 3)

Attached is a verified translation of one of the application's priority documents, JP 2002-367487 (JP'487), as explained above.

Claim 9 is supported in JP'487 at [0024] and [0040].

The effective date of Inatomi et al. as a reference is the publication date of May 22, 2003. The enclosed verified translation priority application effective date is December 19, 2002.

JP'487 antedates the primary reference Inatomi as a reference, thereby rendering the combination of Inatomi and Saito moot.

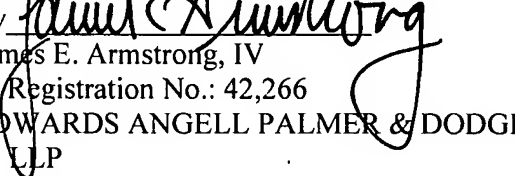
The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

In view of the submission of the verified translation of a priority document, applicant believes the pending application is in condition for allowance.

Dated: February 24, 2009

Respectfully submitted,

Customer No. 21874

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Attachment: Verified Translation of Application No. 2002-367487